

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

TERRY LOCKLEAR, individually and	)	
on behalf of all others similarly situated,	)	
	)	
	)	
Plaintiff,	)	
	)	Case No. 1:14-cv-00744-SCJ
	)	
v.	)	Honorable Steven C. Jones
	)	
DOW JONES & COMPANY, INC.,	)	
	)	
Defendant.	)	

**DEFENDANT DOW JONES & COMPANY, INC.’S  
MOTION TO DISMISS**

Defendant Dow Jones & Company, Inc. (“Dow Jones”) hereby moves to dismiss Plaintiff’s Class Action Complaint with prejudice pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted and pursuant to Rule 12(b)(1) for lack of standing. As explained in the accompanying memorandum filed contemporaneously with this Motion, Plaintiff’s single-count Complaint fails for three independent reasons. First, based on the Complaint’s allegations, there is no disclosure by Dow Jones of “personally identifiable information” in violation of the Video Privacy Protection Act, 18 U.S.C. § 2710. Second, the Complaint fails to allege Plaintiff is a

“consumer” covered by the Act’s defined terms. Third, the Complaint fails to plead Plaintiff suffered an injury sufficient to confer standing to sue for a violation of the Act.

For these reasons, and those explained in the accompanying Memorandum, Defendant Dow Jones & Company, Inc. respectfully requests that this Court dismiss this action with prejudice, and award any other relief that this Court deems just.

Dated: May 12, 2014

Respectfully submitted by,

/s/ Richard H. Sinkfield

Richard H. Sinkfield  
Georgia Bar No. 649100  
Julia B. Stone  
Georgia Bar No. 200070  
ROGERS & HARDIN, LLP  
2700 International Tower  
229 Peachtree Street, NE  
Atlanta, Georgia 30303  
Telephone: (404) 522-4700  
Facsimile: (404) 525-2224  
rsinkfield@rh-law.com  
jstone@rh-law.com

Natalie J. Spears  
Anthony T. Eliseuson  
Kristen C. Rodriguez  
DENTONS US LLP  
233 South Wacker Drive  
Suite 7800  
Chicago, Illinois 60606  
(312) 876-8000  
(312) 876-7934 (fax)  
natalie.spears@dentons.com  
anthony.eliseuson@dentons.com  
kristen.rodriguez@dentons.com

*Attorneys for Defendant Dow Jones & Company, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

TERRY LOCKLEAR, individually and	)	
on behalf of all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION
v.	)	FILE NO. 1:14-CV-00744-SCJ
	)	
DOW JONES & COMPANY, INC., a	)	
Delaware corporation d/b/a WALL	)	
STREET JOURNAL LIVE	)	
	)	
Defendant.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on May 12, 2014, I electronically filed the foregoing Dow Jones & Company, Inc.'s Motion to Dismiss with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to the following counsel of record:

Jennifer Auer Jordan  
THE JORDAN FIRM, LLC  
1447 Peachtree Street, N.E., Suite 880  
Atlanta, GA 40409  
jennifer@thejordanfirm.com

Jay Edelson  
Rafey S. Balabanian  
James Dominick Larry  
Benjamin H. Richman  
EDELSON P.C.

350 North LaSalle Drive  
Chicago, IL 60654  
jedelson@edelson.com  
rbalabanian@edelson.com  
nlarry@edelson.com  
brichman@edelson.com

ROGERS & HARDIN LLP  
2700 International Tower  
229 Peachtree Street, N.E.  
Atlanta, Georgia 30303  
Telephone: 404-522-4700  
Facsimile: 404-525-2224

/s/ Richard H. Sinkfield  
Richard H. Sinkfield  
Georgia Bar No. 649100  
*Counsel for Defendant*  
*Dow Jones & Company, Inc.*